

OPEN BOARD MINUTES
NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS
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A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, August 14, 2013 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor Conference Center, Trenton, New Jersey. The meeting was called to order by President George J. Scott, D.P.M., D.O., FACOFP

PRESENT

Board Members Ciechanowski, Criss, DeGregorio , Jordan, Krauss, Lomazow, Maffei, Miksad, Paul, Rajput, Rock, Scott, Stanley, and Tedeschi.

EXCUSED

Board Members Berkowitz, Cheema, Mendelowitz, Walsh, and Weiss.

ALSO PRESENT

Assistant Attorney General Sharon Joyce; Senior Deputy Attorneys General Dick, Flanzman and Gelber; Deputy Attorneys General Cordoma, Hafner, Levine and Puteska; William V. Roeder, Executive Director of the Medical Board and Harry Lessig, M.D., Consultant Medical Director.

**STATEMENT CONCERNING THE
ANNUAL NOTICE OF PUBLIC MEETINGS**

The requirements of the “Open Public Meetings Act” were satisfied by

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notice of this meeting given in the annual notice adopted by the New Jersey State Board of Medical Examiners on September 12, 2012 which was transmitted to the ATLANTIC CITY PRESS, STAR LEDGER, CAMDEN COURIER POST, ASBURY PARK PRESS, BERGEN RECORD and the TRENTON TIMES, all on the 24th day of October 2012.

ANNOUNCEMENTS

Dr. Scott invited the Board members to begin the meeting with a moment of silence to pay our respects to those who lost their lives in the 9-11 tragedy. It was such a relevant moment in our U.S. history that each of us knows how affected we all were when this tragedy happened. He invited those attending the meeting to look back, acknowledge the 9-11 victims, and to remember all the brave men and women who helped out and volunteered during this benchmark in history.

MINUTES

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE AUGUST 14, 2013 OPEN BOARD MINUTES. The Motion was made by Ms. Criss and seconded by Dr. Tedeschi. It carried unanimously.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE APRIL 11, 2013 ELECTROLOGIST ADVISORY COMMITTEE MINUTES.

The motion, made by Dr. Paul and seconded by Dr. Ciechanowski, carried unanimously.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE FEBRUARY 19, 2013 PERFUSIONISTS COMMITTEE MINUTES.

Dr. Rajput made the motion, which was seconded by Ms. Criss. It carried unanimously.

NEW BUSINESS

LEGISLATION

A 4304 - Seeks to revise the statute regarding the practice of physical therapy

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE LEGISLATION. IT DID NOT BELIEVE THAT THE ELIMINATION OF THE DIRECT

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SUPERVISION REQUIREMENT WAS IN THE BEST INTEREST OF THE PERSONS RECEIVING THE THERAPY. THE SUPERVISING PHYSICAL THERAPIST NEEDS TO BE AVAILABLE ON SITE TO RESPOND IMMEDIATELY TO ANY CONSEQUENCES THAT MIGHT OCCUR DURING ANY TREATMENT PROCEDURES. ADDITIONALLY, THE BOARD DID NOT SUPPORT THE ELIMINATION OF THE REFERRAL REQUIREMENTS CURRENTLY IN THE LAW. THESE PROVISIONS ARE ESSENTIAL TO APPROPRIATE PATIENT CARE AND ARE PROTECTIVE OF THE PUBLIC. IF THERE IS NO IMPROVEMENT, THE PATIENT SHOULD BE REFERRED TO A PHYSICIAN FOR ADDITIONAL WORK UP AND EVALUATION WELL BEYOND THE EDUCATION, TRAINING AND EXPERIENCE OF THE PHYSICAL THERAPIST. MOREOVER, THE REFERRAL PROVISION IS A DOUBLE-CHECK OR SAFEGUARD AGAINST POTENTIAL INSURANCE FRAUD ISSUES AND FROM A PRACTICAL POINT, IT IS DOUBTFUL THAT CARRIERS WILL AUTHORIZE PAYMENT WITHOUT THE REFERRAL TO OR BY THE PHYSICIAN. THE BOARD ALSO OPPOSED THE ADDITION OF INTRAMUSCULAR TECHNIQUES TO THE PHYSICAL THERAPIST'S SCOPE OF PRACTICE INASMUCH AS IT QUESTIONED WHETHER OR NOT PHYSICAL THERAPISTS WERE SUFFICIENTLY EDUCATED AND TRAINED TO PERFORM SUCH PROCEDURES, WHICH COULD INCLUDE

“DRY NEEDLING.” INTRAMUSCULAR TECHNIQUES ARE NOT APPROPRIATELY DEFINED OR LIMITED AND WITHOUT SUFFICIENT TRAINING AND EXPERIENCE, OR THE LIMITING DEFINITION, THE DANGER FOR A PNEUMOTHORAX, CHEST PAIN, SHORTNESS OF BREATH, RAPID HEART RATES, FOR EXAMPLE, ARE PROBABLE OUTCOMES.

The Motion, which was made by Dr. Jordan and seconded by Dr. Paul, carried unanimously.

OLD BUSINESS

GENETIC COUNSELORS

The Genetic Counselors’ Advisory Committee proposed its regulations and published the proposal for notice and comment in the *New Jersey Register*. The comment period has ended and attached for the Board’s consideration were the responses drafted by the Genetic Counselors to the comments received.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO AUTHORIZE FOR PUBLICATION AS A FINAL ADOPTION IN THE *NEW JERSEY REGISTER*.

The Motion was made by Ms. Criss and seconded by Dr. Jordan. It carried unanimously.

INFORMATIONAL

Public Law 2013 - c. 119 – Radiologic Technology Licensure
Accepted as informational.

PUBLIC COMMENT

Mr. Paul Beck thanked the Board for the comments adopted concerning A4304. He explained that the Acupuncture Society of New Jersey, as well as the Board of Acupuncture, is concerned about it, and in particular the dry needling which they believe is the practice of acupuncture and should remain outside the scope of practice of a Physical Therapist.

Mishael Azam, CEO and Senior Manager, Legislative Affairs for the Medical Society of New Jersey also thanked the Board for its comments to the proposed A4304.

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William Isele, Esquire, attorney for Dr. Cheryl Ackerman, renewed his request that Dr. William T. Richardson, a graduate of Harvard University, be permitted to address the Board concerning his examination of Dr. Ackerman. He asked the Board to hear his testimony prior to the reconsideration of Dr. Scott and the Executive Committee's decision to reinstate Dr. Ackerman's license. The Attorney General objected to this request inasmuch as there was nothing pending before the Board that mandated any such testimony. The Chair ruled that it would consider Mr. Isele's request at the time that it considers the decision of the denial of his Motion.

Respectfully submitted,

George J. Scott, D.P.M., D.O., FACOFP
Board President

WVR/br